IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9449 of 2005

Between:

Inampud Venkayya, S/o.Appa Rao, Aged 43 years,
R/o.Epuru Village, Peddapadu Mandal, West Godasvari Dist.

..... PETITIONER

AND

1 The District Panchayat Officer,

West Godavari District, Eluru.
2 The Epuru Gram Panchayat,

Rep.by its Secretary, Epuru Village,

Peddapadu Mandal, West Godavari Dist.
3 Kakani Venkateswar Rao S/o Umamaheshwar Rao
Aged 45 years, R/o. Bapulapadu, Krishna District
(R3 is impleaded as per court order dt. 8-6-2004

in WPMP 14128 of 2005

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the action of the 2nd respondent in not implementing the proceedings of the 1st respondent in R.O.C. No.6235/2004-A4 (pts) dated 23-3-2005 and rejecting the application for renewal of license to run cattle shandy vide his proceedings in R.O.C.No.6/2005 dated 20-4-2005 as illegal, arbitrary and unjust and issue consequential direction to the

respondents to renew the license to run cattle shandy and pass such other order or orders which are deem fit and proper in circumstances of the case.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondent No.1 : GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.2: Mr. D. Srinivas.

Counsel for the Respondent No.3: Mrs. K.Sesharajyam.

The Court at the stage of admission made the following :

ORDER:

The case of the petitioner is that his grand father, who was granted licence to run cattle shandy in RS No.244 of Epuru village, died of old age on 15.4.1998 and after his death, the petitioner was granted licence and the second respondent was collecting the licence fee, and passed resolution No. 200 on 18.5.1998 and his licence was being renewed from time to time and it is valid upto 31.3.2005.While so, the first respondent by order dated 22.11.2004 kept his licence in abeyance and by order dated 27.11.2004 accorded permission to the 2nd respondent to run the cattle shandy, on the proposals alleged to have been submitted by the Gram Panchayath. Aggrieved of the action of the first respondent in keeping his licence in abeyance, the petitioner filed WP No. 22145 of 2004 and this court by order dated 3.12.2004 suspended the operation of the said proceeding. The petitioner also filed WP No. 22683 of 2004 questioning the permission accorded to second respondent to run the shandy. The 2nd respondent, who was permitted to run the shandy filed vacate stay petition, which was dismissed and, therefore, the petitioner is entitled to run the cattle shandy in view of the interim orders granted in his favour, but since the respondents did not choose to implement

the orders, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Gram Panchayath and Rural Development.

During the course of arguments, it is submitted that an alternative efficacious remedy is provided against the impugned orders under Sec. 128 of the A.P. Gram Panchayath Act, 1994.

Evidently, the petitioner, without availing alternative remedy, provided under the Act, has straightaway approached this court invoking extraordinary jurisdiction of this court under Sec. 226 of the Constitution. Consequently, the writ petition is not maintainable and is accordingly dismissed. No costs. It is, however, open to the petitioner to approach the Appellate Authority, if so advised.

Elipe Dharma Rao, J.

June 13, 2005

MAS.

To

1 The District Panchayat Officer,

West Godavari District, Eluru.

2 The Secretary,

Epuru Gram Panchayat,

Epuru Village, Peddapadu Mandal,

West Godavari Dist.

3 2 CCs to the Govt. Pleader for Gram Panchayath & Rural

Development, A.P. High Court Building, Hyderabad.

4 2 CD copies

5 1 CC to SMT.SESHARAJYAM

6 1 CC to MR.CHIDAMBARAM

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